



ORDINANCE NO. 22-03

AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE AT CHAPTER 155, ENTITLED "ZONING"

WHEREAS, the Town Council of Millville has the power to adopt ordinances in the interest of good government and the safety, health, and public welfare of the Town, its inhabitants and affairs, including to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

WHEREAS, the Town of Millville has adopted a Zoning Ordinance for the municipality, which has been codified in Chapter 155 of the Town Code;

WHEREAS, the Town Council may from time to time amend, supplement, or change the regulations and restrictions established by this Ordinance;

NOW, BE IT THEREFORE ORDAINED, by the Town Council for the Town of Millville, Sussex County, Delaware, having duly met and a majority thereof concurring herein, that the following amendments are hereby adopted and incorporated into the Town of Millville Code at Chapter 155, entitled "Zoning":

Section 1. Amend § 155-13B with **additions shown in black bold and underlined** and ~~deletions in black bold and strikethrough~~ as follows:

§ 155-13. C1 - Town Center Commercial District.

B. Permitted uses. In a C1 — Town Center Commercial District, a building may be erected, altered or used on a lot or premises and may be used for any of the following purposes:

(1) Uses permitted in R — Residential District, in conformity with the permitted residential requirements;

(2) Apartments above commercial businesses;

(3) Small-scale shopping center in compliance with the following:

- (a) Minimum lot frontage: 200 feet.
- (b) Minimum lot area: two acres.
- (c) Maximum lot area: four acres.
- (d) Minimum building setbacks.

[1] Front: 20 feet.

[2] Side: 15 feet.

[3] Rear: 20 feet.

[a] When the rear lot line of a C1-Town Center Commercial District parcel abuts a residentially zoned parcel or residential use, the rear building setback along the common property line shall be expanded to a minimum of 30 feet. A landscape buffer area of no less than 10 feet in width shall be provided in the thirty-foot setback area.

[b] A buffer planting strip not less than 10 feet wide shall be provided along all side lot lines which form a common lot line with any residential district or residential use.

(e) All buildings within the small-scale shopping facility shall be either in a group or groups, either physically attached or, if separated, having a separation of at least 10 feet. Sidewalks and walkways adjacent to buildings may be protected from the weather by overhead roofs, which may extend between separated buildings as long as the structure(s) meet the requirements of the State of Delaware State Fire Marshal's Office.

(4) Retail sales, such as:

- (a) Bakery;
- (b) Pharmacy;
- (c) News and bookstore;
- (d) Retail store;
- (e) Florist\nursery;
- (f) Antique store;
- (g) Art gallery or studio;
- (h) Liquor store;
- (i) Sidewalk sales, provided sales are to be conducted on business property with improvements thereon and confined to the exclusive display only of merchandise the business sells in its establishment at that location. No merchandise displayed on the sidewalk shall be permitted which obstructs, interferes with, or in any way is a hazard to the orderly movement of pedestrian traffic. A minimum of five feet of unobstructed sidewalk (the width of curb shall not be included) will be provided at all times.
- (j) Restaurant housed in a permanent building, which may include;
 - [1] Full service;
 - [2] Carry-out;
 - [3] Drive-through or drive-in;
 - [4] Food counter;
 - [5] Tavern and bar;
 - [6] Brew pub, winery or distillery, as an accessory use to a restaurant.

[a] All restaurant owners who will be serving alcoholic beverages must apply with the Alcohol Beverage Control Commission (ABCC), which is the final approving authority of licensing establishment for the sale of alcoholic beverages in the Town limits.

- (k) Coffee, ice cream or frozen dessert shop;
- (l) Clothing and apparel shop;
- (m) Furniture store;
- (n) Home center\hardware store;
- (o) Produce market;
- (p) Landscape design and installation center;
- (q) Interior furnishings store, including but not limited to fixtures, floor covering, and window treatments;

(5) Personal service establishments, such as:

- (a) Barber shop;
- (b) Beauty salon, including day and tanning spa, hair and nail salon;
- (c) Laundromat;
- (d) Dry cleaner (drop-off and pickup only);
- (e) Tailor shop;
- (f) Financial institution;
- (g) Photographic studio;
- (h) Repair shops, limited to shoe, clock and computer;
- (i) Travel agency;
- (j) Health and exercise facility.

(6) Professional services, such as:

- (a) Funeral home;
- (b) Business, professional or governmental offices;
- (c) Day-care, learning and educational centers;
- (d) Utility office;
- (e) Newspaper publisher; and
- (f) Computer/online services.

(7) Amusements, indoor and outdoor;

(8) ~~Hotel, motel, bed and breakfast;~~

~~(9)~~ Meeting hall/conference center;

~~(10)~~ (9) Fraternal and service organizations, public and private.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 26th DAY OF APRIL, 2022.

SEAL:

MAYOR

ATTESTED:

SECRETARY

SYNOPSIS

This ordinance revises the C-1 District by removing hotels, motels, and bed-and-breakfasts as a permitted use, i.e., a use by right. Those uses remain permitted for the C-2 District. Additionally, a C-1 property can apply for a conditional use for them.